

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

Jerome Addison,

Plaintiff,

v.

South Carolina Law Enforcement
Division and Mark A. Keel, Director,

Defendants.

C/A No. 8:19-1847-TMC

ORDER

Plaintiff Jerome Addison (“Addison”), a state prisoner proceeding pro se, filed this action pursuant to 42 U.S.C. § 1983. (ECF No. 1). In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02, D.S.C., this matter was referred to a magistrate judge for pretrial handling. Before the court is the magistrate judge’s Report and Recommendation (“Report”), recommending that the court summarily dismiss this action without issuance and service of process. (ECF No. 9). Addison was advised of his right to file objections to the Report. *Id.* at 10. Addison timely filed objections. (ECF No. 11). Addison also filed a motion to appoint counsel. (ECF No. 12).

The Magistrate Judge makes only a recommendation to the court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter with instructions. 28 U.S.C. § 636(b)(1). However, the court need not conduct a de novo review when a party makes only “general and conclusory objections that do not direct the court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). In the absence of a timely filed, specific objection, the Magistrate Judge’s conclusions are reviewed only for clear

error. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

In his objections, Addison objects to the each sentence of each paragraph in the Report as being “immaterial.” (ECF No. 11 at 1-3). Basically, he objects to the entire Report as being “immaterial” without elaborating or setting forth any argument or directing the court to any specific errors made by the magistrate judge. Because Addison has failed to file any specific objections, the court reviews the Report only for clear error, and finds none. *See Orpiano*, 687 F.2d at 47.

Accordingly, the court adopts the Report (ECF No. 10), and **DISMISSES without prejudice** this action. Further, Plaintiff’s motion for counsel (ECF No. 12) is **DENIED as moot**.

IT IS SO ORDERED.

s/Timothy M. Cain
United States District Judge

Anderson, South Carolina
August 22, 2019

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.